

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CARL E. DUNCAN,

v.

ROBINSON, *et al.*,

**Plaintiff.**

Case No. 3:18-cv-00168-MMD-CLB

## ORDER

## Defendants.

11 Plaintiff Carl E. Duncan brings this case under 42 U.S.C. § 1983. Before the Court  
12 is the Report and Recommendation (ECF No. 44 (“R&R”)) of United States Magistrate  
13 Judge Carla L. Baldwin, recommending the Court grant Defendants’ motion for summary  
14 judgment (ECF No. 37). Plaintiff originally had until July 24, 2020 to file an objection to  
15 the R&R, and was later given an additional 14 days. (ECF Nos. 44, 46.) Plaintiff has not  
16 done so. For that reason, and because the Court agrees with Judge Baldwin’s analysis  
17 in the R&R, the Court will adopt the R&R in full.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

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Because there is no objection, the Court need not conduct *de novo* review, and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends granting Defendants' motion for summary judgment. (ECF No. 44 (recommending the Court grant ECF No. 37).) Judge Baldwin reasoned that Defendants had provided authenticated evidence establishing Defendants did not have actual knowledge the toilet was overflowing. (*Id.* at 9.) Plaintiff proffered no evidence to the contrary, nor did Plaintiff respond to Defendants' motion for summary judgment. The Court agrees with Judge Baldwin. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

It is therefore ordered, adjudged, and decreed that the Report and Recommendation of Magistrate Judge Carla L. Baldwin (ECF No. 44) is accepted and adopted in its entirety.

It is further ordered that Defendants' motion for summary judgment (ECF No. 37) is granted.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 21<sup>st</sup> Day of September 2020.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE